

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JIMI ROSE,)	CIVIL RIGHTS ACTION
Plaintiff)	
vs.)	No. 02-CV-3842
)	
CITY OF ALLENTOWN, and)	JURY TRIAL DEMANDED
ZONING HEARING BOARD OF)	
THE CITY OF ALLENTOWN,)	
Defendants)	

AFFIDAVIT OF FRANCIS P. BURIANEK, ESQUIRE
RE: 1999 ZONING APPEAL

I, Francis P. Burianek, Esquire, swear that the following facts are true and correct:

1. I am an Assistant City Solicitor with the City of Allentown.
2. I have been an Assistant City Solicitor since 1979.
3. I have been personally involved with the various zoning appeals filed by Mr. Jimi Rose.
4. The attached are true and correct copies of the decisions, appeals, briefs, and opinions filed and/or rendered in the 1999 zoning matter:

Exhibits

- 2A. Zoning Hearing Board Order and Decision (September 13, 1999).
- 2B. Rose Notice of Land Use Appeal asserting, in Paragraph 7:

- (a) De Minimus variance;
- (b) Pennsylvania law;
- (c) First Amendment;
- (d) Race discrimination; and
- (e) Unconstitutional taking.

- 2C. Brief in Support of Notice of Appeal.
- 2D. Order, Motion for De Novo Hearing, and Brief.
- 2E. Order of Court of the Common Pleas (June 27, 2000).
- 2F. Order and Opinion of the Court of Common Pleas (March 29, 2001).
- 2G. Statement of Matters Complained of on Appeal.
- 2H. Designation of Contents of Reproduced Record.
- 2I. Brief of Appellant.
- 2J. Order (July 27, 2001).
- 2K. Reply Brief.
- 2L. Order (August 10, 2001).
- 2M. Petition for Withdrawal.
- 2N. Brief of Appellant.
- 2O. Reply Brief.
- 2P. Order and Opinion of the Commonwealth Court (February 28, 2002).

2Q. Order of the Supreme Court.

I swear that the foregoing facts are true.

Francis P. Burianek, Esquire

SWORN TO and Subscribed
before me, this day
of , 2005.

Notary Public